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March 11, 1998

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

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Dear Ms. Salas

On behalf of Heftel Broadcasting Corporation, there are herewith submitted and original and four (4) copies of its Partial Opposition to Motion to Dismiss or Strike in MM Docket No. 97-91 (RM-8854).

Please direct any inquiries regarding this filing to the undersigned counsel.

Sincerely



Lawrence N. Cohn

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE

Federal Communications Commission

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 97-91
Table of Allotments,)	RM-8854
FM Broadcast Stations)	
(Lewisville, Gainesville, Robinson,)	
Corsicana, Jacksboro, and)	
Mineral Wells, Texas))	

To: Chief, Allocations Branch

Partial Opposition to Motion to Dismiss or Strike

Heftel Broadcasting Corporation ("Heftel"), by its counsel, hereby submits this Partial Opposition to the "Motion to Dismiss or to Strike Joint Reply Comments and Reply Comments" ("Motion") filed by Metro Broadcasters-Texas, Inc. ("Metro") on February 24, 1998, insofar as it pertains to the Further Reply Comments which Heftel filed with the Commission in the above-referenced proceeding on

February 12, 1998.^{1/} In support of this Partial Opposition to Metro's Motion, Heftel states the following:

Metro's Motion, insofar as it is directed toward Heftel's Further Reply Comments, is frivolous. As Metro recognizes, Heftel's Further Reply Comments were filed at the express invitation of the Commission in its Public Notice, Report No. 2251 (released January 28, 1998). The Further Reply Comments responded directly to the merits of Snyder's pending application (BPH-961125IG), which the Commission stated (in the Public Notice) would be considered as a counterproposal to the Heftel Petition for Rulemaking which led to the issuance of the NPRM in the above-referenced proceeding. Heftel's Further Reply Comments compared the public interest benefits of Heftel's proposal with those of Snyder's application and were not based upon the Agreement between Heftel and Snyder which was the basis of their Joint Reply Comments, and to which Metro's Motion is actually addressed. It therefore defies comprehension why Metro would blithely, and without the slightest explanation, move to dismiss or strike Heftel's Further Reply Comments.

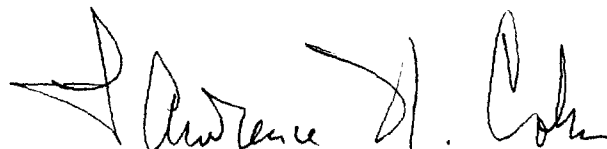
^{1/} Heftel is today also filing, jointly with Jerry Snyder and Associates, Inc. ("Snyder"), a Joint Opposition to Metro's Motion insofar as the Motion pertains to the Joint Reply Comments filed by Heftel and Snyder on February 12, 1998.

Moreover, Metro's Motion, insofar as it pertains to Heftel's Further Reply Comments, is an unauthorized pleading, and should be stricken because it violates Section 1.415(d) of the Commission's Rules.^{2/}

In sum, Metro's Motion, insofar as it is directed at Heftel's Further Reply Comments, is plainly and fatally flawed, both procedurally and substantively, and should be rejected.

Respectfully submitted

HEFTEL BROADCASTING CORPORATION

A handwritten signature in dark ink, appearing to read "Lawrence N. Cohn", written over a horizontal line.

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Date: March 11, 1998

Its counsel
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^{2/} Metro does not even attempt to offer a justification for its request for waiver of Section 1.415(d) of the Commission's Rules. See, e.g., Motion, page 1, footnote 1.

CERTIFICATE OF SERVICE

I, Cecyl Ivie, an Administrative Assistant/Secretary in the law firm of Cohn and Marks, hereby certify that on the 11th day of March, 1998, copies of the foregoing "Partial Opposition to Motion to Dismiss or Strike" were hand delivered or mailed first-class, postage prepaid, to the following:

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